

**REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of the application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-21 in the application. The Applicants have canceled Claims 1-7, withdrawn Claims 10 and 18, and amended Claims 8 and 16. The Applicants have not added any claims. Accordingly, Claims 8-9, 11-17 and 19-21 are currently pending in the application.

**I. Formal Matters and Objections**

The Examiner correctly noted that the Applicants inadvertently described Claims 10 and 18 as having been canceled, whereas they were actually withdrawn. The Applicants thank the Examiner for calling their attention to this discrepancy and have made the appropriate correction in this response.

The Examiner objected to Claims 9 and 17 as being dependent upon a rejected base claim but noted that they would be allowable if rewritten in independent form. Claims 9 and 17 have been rewritten in independent form to include all the limitations of their respective base claims and any intervening claims. The Applicants respectfully request the Examiner to withdraw the objection and allow Claims 9 and 17.

## II. Rejection of Claims 8, 11-16 and 19-21 under 35 U.S.C. §103

The Examiner rejected Claims 8, 11-13, 15-16 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,524,959 to Lu *et al.* (Lu) in view of U.S. Patent No. 6,537,133 to Birang *et al.* (Birang). In addition, the Examiner rejected Claims 14 and 21 under 35 U.S.C. §103(a) as being unpatentable over Lu and Birang in view of U.S. Patent No. 6,028,669 to Tzeng.

Lu describes a fabrication technique for a planarized microelectronic layer employing a chemical mechanical polish (CMP) planarizing method or process. The described technique is applicable to a substrate where at least one microelectronic layer is partially transparent to an incident radiation beam. A CMP planarizing endpoint is determined by causing a radiation beam to be incident upon a microelectronic layer and detecting a reflected portion of such incident beam. (Col. 3, line 15 - Col.4, line 4). Figure 1 of Lu shows an incident radiation beam 22 issuing from a source 20, passing through several transparent layers 12-18, where each such layer 12-18 reflects a beam 24a-14e, with the remaining beam reflected by the substrate 10. The series of reflected beams 24a-24e are detected (Col. 6, line 61 - Col. 7, line 41) and the properties of such beams 24a-24e are used to detect a planarizing endpoint. (Col. 8, lines 20-41).

Lu does not describe a signal transmitted from an emitter located on one side of a semiconductor wafer, adjacent to either a carrier head or a polishing platen, with a second signal emanating from the opposite side of the wafer and there detected by a receiver located on the side of the wafer in opposition to the emitter. Lu teaches a reflected signal detected by a detector located on the same side of the wafer as the device originating the incident radiation beam. Lu does not

teach or suggest determining an endpoint by detecting a signal on the opposite side of the wafer as illustrated in FIGURES 1 and 2 of the application and described therein.

Birang does not overcome the Lu shortcomings. Birang also describes employing a device for determining an endpoint during the CMP process. Birang uses a laser interferometer for generating a laser beam directed towards the wafer and a detector, located on the same side of the wafer as the laser beam generator, for detecting light reflected from the wafer. (Abstract). Birang does not teach or suggest that an endpoint can be detected by generating a signal on one side of a wafer and detecting a second signal on the other side. Lu, individually or in combination with Birang, thus fails to teach or suggest the invention recited in independent Claims 8 and 15.

With respect to Claims 14 and 21 rejected by the Examiner under 35 U.S.C. §103(a) as unpatentable over Lu and Birang in view of Tzeng, Tzeng also does not overcome the shortcomings of either Lu or Birang. Tzeng describes the use of an optical monitor where a reflected optical signal is detected and processed to provide information regarding the progress of material formation or removal and an indication of when an end point has been reached. (Abstract). Again, as was the case with Lu and Birang, this determination is made from a reflected signal, where both the source of such signal as well as the detector of such signal are on the same side of the wafer. Thus, neither Lu and Birang in view of Tzeng teaches or suggests the invention recited in Claims 14 and 21 which depend on Claims 8 and 15.

Therefore, independent Claims 8 and 15 and their respective dependent claims, when considered as a whole, are not obvious. The Applicants respectfully request the Examiner to withdraw the rejection of Claims 8, 11-13, 14-16 and 19-21 under 35 U.S.C. §103(a).

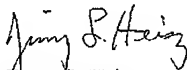
**III. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 8-9, 11-17 and 19-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

  
Jimmy L. Heisz  
Registration No. 38,914

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P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800